

AMENDMENT No. 1 TO CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF MILPITAS AND DYETT & BHATTIA URBAN AND REGIONAL PLANNERS

This Amendment is entered into this ____ day of March, 2005, by and between the City of Milpitas ("City") and Dyett & Bhattia Urban & Regional Planners, in association with its consultant partners and sub-consultants Economics Research Associates, Field Paoli Architects and Fehr and Peers Transportation Planners ("Consultant").

RECITALS

WHEREAS, the Parties entered into a consulting services agreement, dated December 9, 2004, for services related to the City's Midtown Transit Sub-Area.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Consulting Services Agreement as follows:

- 1. EXHIBIT A, SCOPE OF SERVICES, as referenced in Section 1. SERVICES, of the Agreement are hereby amended to add two more public meetings. There shall be one additional meeting before the City's Planning Commission and one additional meeting before the City Council. EXHIBIT A, Task Breakdown is hereby amended to reflect the addition of and dates of the meetings, and EXHIBIT A SCHEDULE is hereby amended to reflect the two additional meetings.
- 2. Section 2. COMPENSATION, and EXHIBIT B, COMPENSATION SCHEDULE are hereby amended to reflect an increase in the not to exceed amount from one hundred, three thousand, seventy U.S. dollars and no cents, \$103,070, to one hundred, seven thousand, seventy U.S. dollars and no cents, \$107,030. The difference in the not to exceed amount is hereby increased by \$3,960.00.
- 3. Except as modified herein, all other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

CITY OF MILPITAS	CONTRACTOR				
Tambri Heyden, Acting Planning and Neighborhood Services Director (as to content)	Dyett & Bhattia Urban and Regional Planners				
Charles Lawson, Interim City Manager					
APPROVED AS TO FORM:	ATTESTED BY:				
Steven T. Mattas, City Attorney	Gail Blalock, City Clerk				

SCHEDULE

The schedule proposed for the Milpitas Concept Plan is presented in a flow chart below. Milestones, key products, and meetings are shown. Consultant shall complete the Concept Plan in approximately four and a half months.

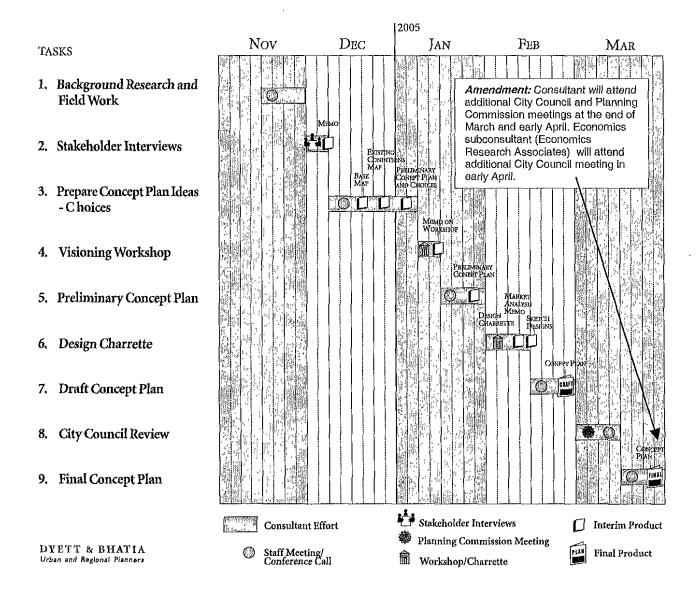


EXHIBIT B

COMPENSATION SCHEDULE

Consultant shall complete the tasks described in this Agreement in an amount not to exceed \$110,990.00. This includes all personnel, meeting, direct costs (including an allowance for in-house color plots), and delivery of products identified in the work program.

The hours by task, billing rates, and labor costs by staff person (as well as direct costs) are shown on the budget spreadsheet below.

Proposed budget for the Milpitas Transit Subarea Plan

			Nov	Dec	Dec/Jan	Jan	Jan/Feb	Feb	Feb	March	March	
			2 weeks	1week	4 weeks	1week	3 weeks	Tweek	2 weeks	2 weeks	2 weeks	
HOURS BY TASK		•	Task 1 Background Fessarch and Field Work	Task 2 Stake- holder Interviews	Task 3 Repare Concept Flan Ideas - Choices	Task 4 Visioning Workshop	Task 5 Preliminary Concept Han	Task 6 Design Charrette	Task 7 Draft Concept Flan	Task 8 City Council Peview	Task 9 Final Concept Flan	TOTAL
Dyett & Bhatla	====											
Lesile Gould, Project Manager			14	26	64	24	40	24	40	10	32	274
Rajeev Shatia, Principal			0	0	8	8	12	8	12	0		48
Planner/Senior Planner			0	0	64	24	64	24	40	0	8	224
GIS Computer Graphics			0	0	16	0	16	0	16	0	16	64
Support			2	5	0	16	16	16	16	0	16	84
TOTAL D&B HOURS			16	28	152	72	148	72	124	10	72	694
FEES BY TASK		ourly Pate								<u>. </u>		
Dyett & Bhatla									1800			
Leslie Gould, Project Manager	\$	135	1,890	3,510	8,640	3,240	5,400	3,240	5,400	1,350	4,320	\$36,990
Rajeev Bhatia, Principal	\$	150	-	-	1,200	1,200	1,800	1,200	1,800			\$7,200
Planner/Senior Planner	\$	85	-	-	5,440	2,040	5,440	2,040	3,400	•	680	\$19,040
GIS Computer Graphics	\$	75	-		1,200		1,200		1,200	-	1,200	\$4,800
Support Support	\$	50	100	100		800	800	800	800	-	800	\$4,200
Task Labor Total			1,990	3,610	16,480	7,280	14,640	7,280	12,600	1,350		\$65,230
Direct Costs (travel, In-house print	ing et	a)	120	200	160	160	600	120	220	120		\$1,700
TOTAL D&B COSTS			2,110	3,810	16,640	7,440	15,240	7,400	12,820	1,470	7,000	\$73,930
ERA Peview Scope and Background			8									\$21,900
Phone Interviews - Mills, etc.				4								
Meeting Day - Team + City					16							
Research and Analysis							24					
Meeting Day - Team + City								16				
Review Concept Plan									16			
Additional City Council Meeting										8		
Architect			·									\$7,200
Review Scope and Background			4									
Assist with Research					8							
Team Meeting					4							
Assist with Ste Flan						•	8					
Team Meeting							4					
Design Charrette								12	<u>.</u>			
Fehr and Peers												****
Evaluate Preliminary Concept Plan	<u> </u>						 					\$4,000
GRAND TOTAL												\$107,030

Task	Tasks for the Week	Responsibilit	Day	Date	Meetings and Deadlines	Responsibility
	Propare base map the control of the second of the	DEQUIPMEN	Mon	29. Nov.	ar per production of the second	
		DB/subs	Tuest 1	30-Nova I Dec	Stakeholder invitations sent by end of day	
]	Discuss BRA Scope and Deliverables 1994 1994	DBERA :			Have stakenedder interviews/jeoins sebeibiled	
	- Stakeholder Instand invitations (* - 1915)	city and the	Thans - 4	2₄Dec/⊊		
는 문			Big St.	3-Dec	Cuy Picetronic Data Transfer into DB GIS V	Chy
1.0 RESEARCH	City to Deliver Background Info Background research	DB DB	Mon Tues	6-Dec 7-Dec	Have all background data from City	City
H.	Opportunities and Constraints Drawing	DB	Wed		MTG: Kick-Off Meeting with BRA	DB/ERA/City
	Field Work	DB/ERA	Thurs	9-Dec		
	Kick Off Meeting with ERA, Meet with City	DB/ERA/City	Fri	10-Dcc		1
	Develop stakeholder questions Complete Base Map	DB DB	ļ			
	Begin Resarch on Development Prototypes	DB/FP	ĺ			
	Stakenolder interviews	DBW , Yv	Mon Sec.	13 Dec	STAKEHOLDER INTERVIEWS #	DB Park
SA		DB New Co	■ "我只要你的我们们,那 们 是还	14 Deck		
2.0 INTERVIEWS		DB/PP	Wedn		Final dates/times/focations for Misjoring, (1)	ICIO III
2.0 TERV	a Research prototypes. Find photosys (1917)	DG .	Thurs		Workshop ad Charrene STAKEHOLDER INDERVIEWS	DB
Z	IERA to Interview Mills Corporation	BRANT	Fri I	17-Dec 1		
	BRA Research	ERA				
	Complete Opportunities and Constraints Drawing	DB DB	Mon Tues	20-Dec 21-Dec]
	Identify Key Policy Choices Develop Alternatives Sketches	DB	Wed	21-Dec 22-Dec		
	Stakeholder Interview Summary Memo	DB	Thurs	23-Dec]]
İ	ERA to Identify Potential Strategies	ERA	Fri	24-Dec	(D&B HOLIDAY)	
			ł			
		tio a la company	Marke	27-Deck	 OBBREOUDAYS)	
	可谓的建筑的 的一种,不是	7 (A)			Application of the second	
			Tues: 4 - Wed: 1			
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3.0 IDEAS	Develop Preliminary Concept Plan ideas and	DB	Fri Mon	3-Jan	Des Houdades Assessed Facility	
	alternatives	:				
	Visioning Workshop Invitations Mailed	City	Tues	4-Jan		N 7 (27) F 1 (10)
	ERA to Evaluate Potential Strategies Identify Key Locations for Public Improvements	ERA DB	Wed Thurs	5-Jan 6-Jan	Mtg: Team Brainstorming	DB/ERA/FP/F&P
	dentity 180y Escations for Lubito Improvements		Pri	7-Jan	Invitations to Visioning Workshop are sent	City
i	Parlim/Concept Plandideas and Choices	DB 2	Mon	10-Jan		
	Visiouing Workshop Presentation	DB	Tues	- I I-Jan		
ļ	Alternative Econ. Development Strategies Paper			12-Jan. 1	Mig.Review Fieliminal Concept Plantideas ALTERNATIVE ED STRATEGIES	DB/City/ERA
			Thurs:	13-Jan-		
			lin i	14-Jan	City comments on Prelimmary Plan ideas due	City
	Revise Graphics and Presentation for Workshop	DB	Mon	17-Jan	- Stranger and Astronomy Stranger and Astronomy Stranger and Stranger	All the second of the second o
4.0 WORKSHOP			Tues	18-Jan		
4.0 FKS			Wed	19-Jan	PRELIMINARY CONCEPT PLAN IDEAS	S DB
×			Thurs	20-Jan	VISIONING WORKSHOP	DB/ERA
			Fri	21-Jan		· 動 · 發展開闢電子及图形的中華全主的中華和第一台
ARY	Workshop Summary Memo, Develop Preliminary Concept Plan		Mon ; Dues	24-Jan 25-Jan	Memoi summanizing workshop sent to City	DB #
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PRELIMINARY			Thurs 1	可以因为此人的方式。不是一个人的	Mtgwith City to review workshop results	DB 1.
<u>a</u>			Brid (12)	28-Jan 4		

December 9, 2004 1

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Key: MTG: Meeting City: City of Milpitas FP: Fleid Paoli
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Only items in bold and capital letters are deliverables to the City, subject to late